

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA**

In the Matter of:

Dorothy Roseman,

Debtor.

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Case No. 15-33186

Chapter 13

PURSUANT TO LBR 3007-1, THE COURT WILL TAKE THIS OBJECTION UNDER ADVISEMENT AND RULE, WITHOUT FURTHER NOTICE OR HEARING, UNLESS THE CLAIMANT FILES WITH THE COURT, WITH SERVICE UPON THE OBJECTING PARTY, A RESPONSE WITHIN 30 DAYS OF THE DATE OF SERVICE OF THIS OBJECTION.

**OBJECTION TO CLAIM NO. 4
OF CREDITOR JEFFERSON CAPITAL SYSTEMS, LLC**

COMES NOW the Debtor, by and through counsel, and hereby files this Objection to Claim No. 4 of Creditor Jefferson Capital Systems, LLC and as grounds for the Objection will state as follows:

1. The Debtor filed a Chapter 13 bankruptcy on November 9, 2015. Debtor listed BJ's Auto Sales LLC ("BJ's") on Schedule D. Debtor indicated that BJ's had a security interest in her 2009 Dodge Charger (the "Vehicle") and that she owed \$8,000.00 to BJ's.
2. On February 29, 2016, creditor Jefferson Capital Systems, LLC ("Jefferson") filed a proof of claim for \$13,946.00, claiming the entire amount as secured by the Vehicle. Jefferson attached copies of a Bill of Sale of Motor Vehicle, the Vehicle's certificate of title, and other documents showing assignments from BJ's to DealerIndustry.com, LLC dba Automotive Capital Corporation ("ACC") and from ACC to Jefferson.
3. Jefferson's claim is objectionable because it is for the balance of payments due under the contract rather than the balance of the loan as of the date of the bankruptcy petition. Although the contract indicates there were no finance charges for financing the purchase of the Vehicle, the sales price of the Vehicle would have been lower if the Debtor had paid cash for the Vehicle instead of financing it. The difference in the cash sales price and the financed sales price is a financed charge, which was not disclosed to Debtor in violation of the Truth-In-Lending Act.
4. Therefore, Debtor has imputed an interest rate for the loan and estimated the loan balance at the time of filing the bankruptcy case to be approximately \$9,700.00.

WHEREFORE, the premises considered, Debtor objects to Claim No. 4 of creditor Jefferson Capital Systems, LLC and asks this Court to reduce the claim to \$9,700.00.

Respectfully submitted June 10, 2016.

/s/ Joshua C. Milam
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Attorney for Debtor
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above foregoing objection on all parties listed below by CM/ECF or by mail on June 10, 2016.

Chapter 13 Trustee, Curtis C. Reding

Bankruptcy Administrator, Teresa Jacobs

Jefferson Capital Systems, LLC
P.O. Box 7999
St. Cloud, MN 56302-9617

/s/ Joshua C. Milam
Joshua C. Milam ASB-3046-T99U